

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

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|---------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA, | : | |
| | : | |
| v. | : | |
| | : | CASE NO.: 7:24-CR-10 (WLS-ALS-2) |
| ALGERNON A. FLOYD, | : | |
| | : | |
| Defendant. | : | |
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ORDER

Before the Court is Defendant’s Notice of Intent to Introduce Extrinsic Evidence Pursuant to Federal Rule of Evidence 404(b) (Doc. 74) (“the Notice”), filed on February 2, 2025. Therein, Defendant notices his intent to use certain evidence during trial, pursuant to Fed. R. Evid. 404(b), related to the prior acts of Codefendant Tronyel Rutland (“Rutland”), whom Defendant anticipates will testify for the Government. Specifically, Defendant intends to admit evidence of Rutland’s prior arrest in Irwin County, Georgia. On February 5, 2025, the Government filed a Response (Doc. 75) to the Notice, contending that Defendant’s proposed evidence is inadmissible.

Upon review, the Court finds that it would be unwise to make any ruling as to the admissibility of Defendant’s proposed 404(b) evidence, where the admissibility of such evidence will depend on the circumstances under which it is offered and the purpose for which it is offered—which are not entirely apparent from the briefing and arguments before the Court. The Court, therefore, does not make any findings as to the admissibility of Rutland’s prior criminal conduct, but rather, the Court will rule on the issue of admissibility at the appropriate time.

If Defendant seeks to introduce any information related to Rutland’s prior criminal arrests or conduct it shall lay the proper foundation that such evidence is relevant and admissible. That foundation shall be presented upon proper notice to opposing counsel and the Court, and outside of the hearing of the jury. If, at that time, the Court deems Rutland’s

prior criminal conduct admissible for certain purposes, it will give an appropriate limiting instruction or instructions to the jury when the evidence is introduced, and in the final charge.

SO ORDERED, this 5th day of February 2025.

/s/ W. Louis Sands
W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT